



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, Utah 84078-2799
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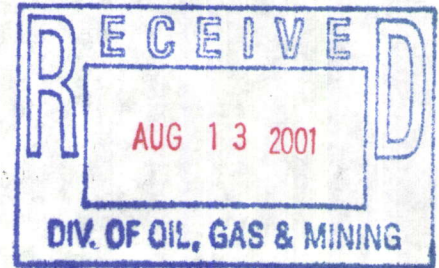
IN REPLY REFER TO:

3809

(UT-08300)

UTU-66358

AUG 10 2001



Certified Mail

Return Receipt Requested

No. 7001 0360 0001 9290 0871

DECISION

Mr. Robert Covington	:	Extension of Time to Complete
Hiko Bell Mining and Oil Co.	:	Outstanding Reclamation Work at Project
P.O. Box 1845	:	Area UTU-66358 Granted
Vernal, Utah 84078		

Why is this decision letter being written?

This decision letter is being written in reply to a July 27, 2001, letter we received petitioning our office for an extension of time in which to conduct reclamation of Hiko Bell Mining and Oil Company's project area. The correspondence was submitted by Mr. Robert E. Covington on behalf of three operators of record (enclosure 1). It petitions our office for an extension until November 1, 2001 to accomplish reclamation measures. This would extend the time to reclaim cited in our May 10, 2001 decision. A recent inspection of your project area reveals no reclamation has been accomplished within the project area. During the conduct of reclamation within Mr. Haslem's project area (see enclosure 2), a portion of a two-track road Hiko Bell Mining and Oil Co., hereafter referred to as the operator, was responsible for reclaiming was reshaped. Sundry materials, including some PVC pipe, metal wash basin, pipe rack, etc. remain within your project area (see enclosures 2 - 4).

What variance to prior decisions is granted by this office?

Pursuant to your request, you are to complete all initial reclamation measures, as cited on the second page of our November 14, 2000 notice of noncompliance on or before November 1, 2001. Some specific things which must be accomplished are cited immediately below.

Are there additional requirements as part of this decision?

As part of our granting a variance, the following are additional requirements.

- The operator is to install a fence along the east side of the project area within 10 days of receipt of this decision. The fence shall be a 39 inch high net wire topped with a single strand of barbed wire; 4 inches above the net wire. It shall be installed 2 to 4 feet east of the top of the highwall (top of highwall is shown on enclosures 3 and 4) and shall be at least 100 feet long. The fencing shall be removed by the operator within 5 days following the recontouring of the project area.
- On or before October 1, 2001, all sundry [manmade] located within the project must be removed from the public lands. This includes, but is not limited to the PVC pipe and sundry materials shown the enclosures 2 and 3. Enclosure 4 includes some images of the materials which must be removed. Materials shall not be buried nor shall installed underground piping or sundry items be left in place.
- At least 10 working days before the commencement of recontouring, redistribution of topsoil and seeding, a Hiko Bell Mining and Oil Company representative and a Vernal Field Office representative shall conduct a joint on-site. The purpose of the on-site is to review the planned reclamation procedures.
- In addition to minimum reclamation standards cited in prior decisions, the following shall be accomplished as part of reclamation.

Earthen materials displaced into four drainages as part of operations within the project area shall be excavated so that the drainages are re-established. The dark lines on enclosure 3 shows where drainages are blocked. The materials removed shall be used in the reshaping of the project area, to approximate original contour. Remember that the two-track heading north into Mr. Haslem's rehaped area (see enclosure 2) must be reclaimed by the operator. The operator should rip or scarify and seed this two track before removing material from the drainage between your project area and Mr. Haslem's project area.

Mechanized earth moving equipment used in reclamation shall not venture more than one equipment length outside the boundary of the project area.

The slope of the highwall along the eastern side of the project area shall not be reduced by back-cutting to the east. Fill material within the project area, such as that to be removed from drainages, shall be placed against the highwall as part of recontouring.

The stockpiles of topsoil and pit run shown on enclosure 4 shall be redistributed following recontouring of the area.

You are to notify the Vernal Field Office no later than 2 working days prior to the conduct of seeding. The notification shall include the planned date seeding would occur and the method of seeding which is planned; i.e., either broadcast or drill seeding.

Seed applied to public lands must be noxious weed free. You are to obtain a constituents list from the vendor who provides the seed mix which indicates the seed purchased is noxious weed free.

You are to notify the Vernal Field Office no later than 2 working days following seeding. Within 5 working days following seeding, you shall submit to the Vernal Field Office the original or a legible copy of the constituents list from the bag of seed distributed; and the name and address of the vendor who provided the seed.

What happens if you fail to comply?

Failure to complete the required reclamation work on or before August 1, 2001 will result in you being required to submit a plan of operations and mandatory bond for all subsequent operations which otherwise be conducted pursuant to a notice under 43 CFR 3809.1-3.

Can you appeal this decision?

You have the right of appeal to the Utah State Director, Bureau of Land Management (P.O. Box 45155, Salt Lake City, Utah 84145-0155), in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing to this office (Bureau of Land Management, Vernal Field Office, 170 South 500 East, Vernal, Utah 84078) within 30 days from the receipt of this decision. This decision will remain in effect during the appeal unless a written request for a stay is granted. If you wish to file a petition pursuant to 43 CFR 3809.4(b) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the State Director, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based upon the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

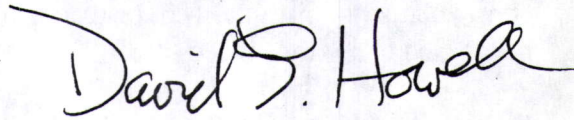
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,

- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Sincerely

A handwritten signature in black ink that reads "David E. Howell". The signature is fluid and cursive, with the first name "David" and last name "Howell" clearly legible.

David E. Howell
Field Manager

enclosures

cc: Robert Covington - Lead claimant of record Pebble Puppy #2-A (UMC366392)
Utah Div. of Oil, Gas, and Mining (S/047/050)
Utah State Office UT93513

HIKO BELL MINING & OIL COMPANY

POST OFFICE BOX 1845 ★ VERNAL, UTAH 84078 ★ TELEPHONE: 435-789-3233 ★ FAX: 435-789-4560

July 27, 2001

Howard B. Cleavinger II
Bureau of Land Management
170 S 150 East
Vernal, Utah 84078

Re: Extension of Time to Complete
Outstanding Reclamation Work Bluebell (UTU66357)
Norman Haslem (UTU66354)
Hiko Bell (UTU 66358)

Dear Sir:

The above listed parties appreciated the Extension of Time to complete the required reclamation work to August 1, 2001 granted by your letter of June 29, 2001. All of the above listed parties have actively been working with bulldozers, trucks and trailers and personnel to haul off the materials as requested by your office and to do the required reclamation work. Considerable progress has been made to date, but the gin truck with flat bed we intended to use in the work had the clutch go out on it and we had to work with small trailers behind pickup trucks. I have been in touch with Peter K. Sokolosky of your office regarding our progress and our commitment. I spent several hours with him two weeks ago to update what needed to be done.

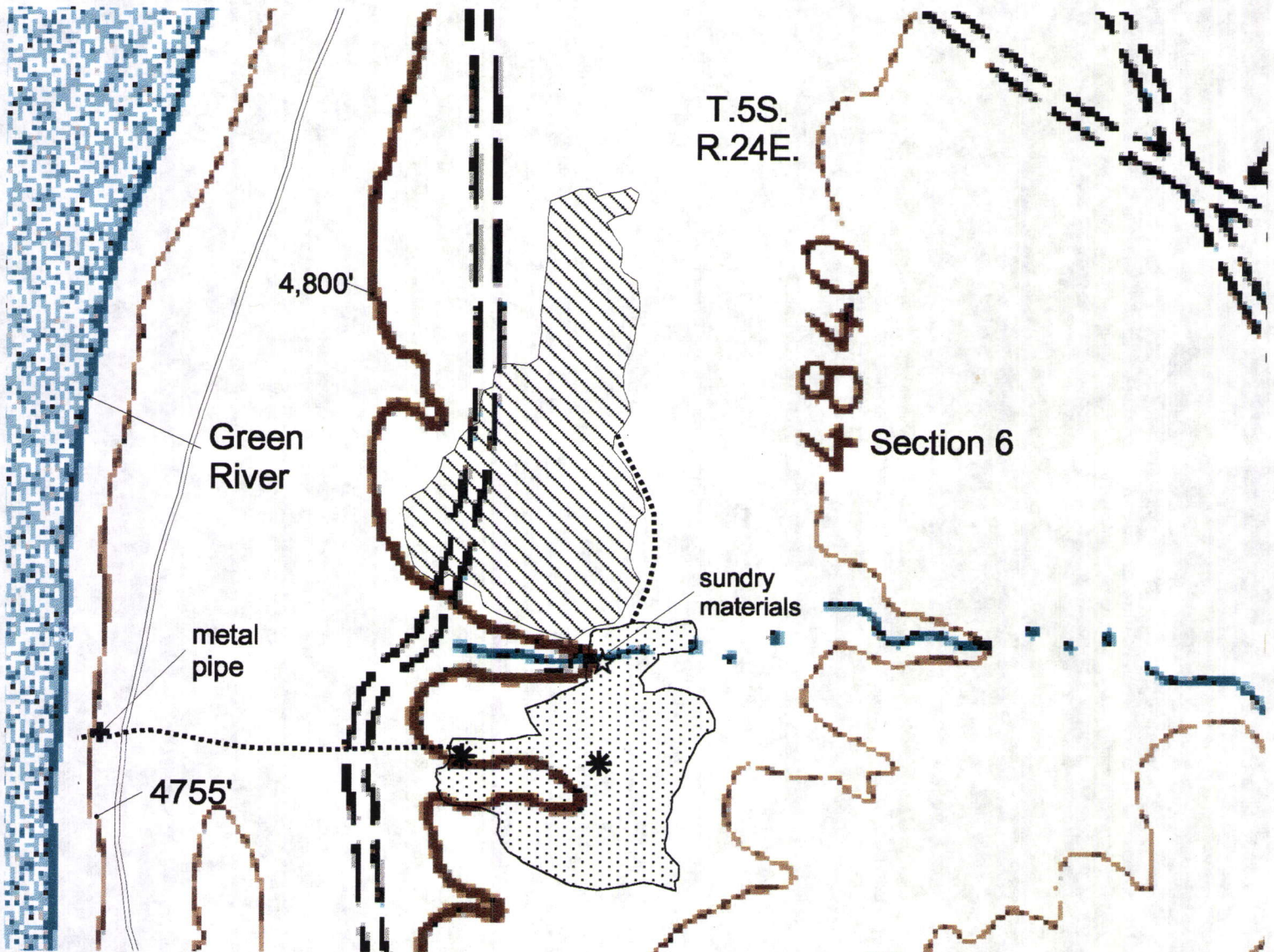
On Thursday, July 26th, I called Mr. Sokolosky and told him of the progress that had been made. I asked him if he could come to the property on Monday, but he explained that he had an appointment to be out in the field that day. He said he would be back in the office on the 31st, and wanted me to call. When I explained that we were working as hard as we could, with the limited resources we had available, he said that I should write and ask for an extension of time to complete the work.

I therefore ask to be given an extension to the 1st of November, 2001. We also need to order the seed immediately and have it ready for sowing. I am certain that by then we will have everything done to meet with your approval. We will appreciate your attention to this request, and we do thank you for your patience to date.

Very truly yours,



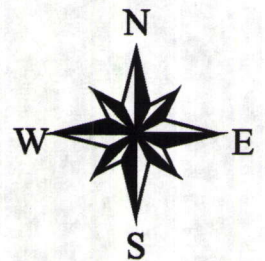
Robert E. Covington, Secretary-Treasurer

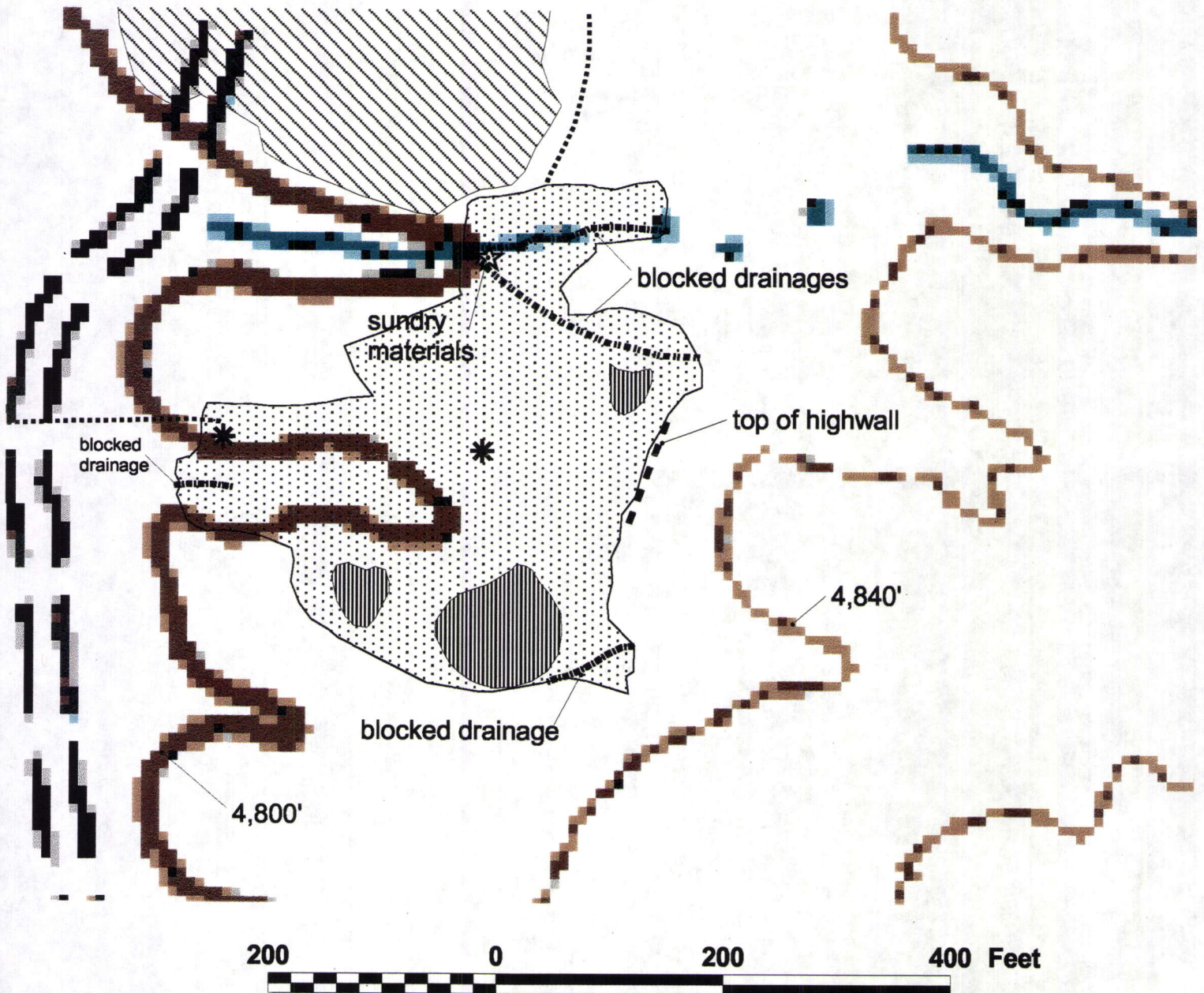


- existing two track - unmapped
- materials to be removed
- sundry materials
- metal pipe
- white pvc
- pipe
- two tracks to - reclaimed
- UTU66358 area of past placer mining
- Haslem - reshaped area (UTU66364)

background topography from the Dinosaur Quarry, Utah 7.5" quadrangle, contour interval 40 feet; plot scale 1:3,200; selected contour elevations shown.

No warranty is made by the Bureau of Land Management for use of any of the data for purposes not intended by the Bureau of Land Management.





existing two track, unmapped materials to be removed

☆ sundry materials

* white pvc

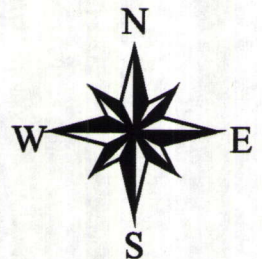
* pipe

two tracks to be reclaimed
UTU66358 area of past placer mining

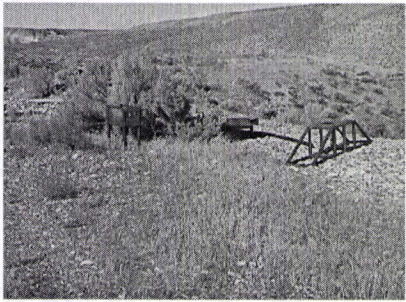
reshaped area
topsoil-pit run to be applied to reshaped areas

background topography from the Dinosaur Quarry, Utah 7.5" quadrangle, contour interval 40 feet; plot scale 1:1,600; selected contour elevations shown.

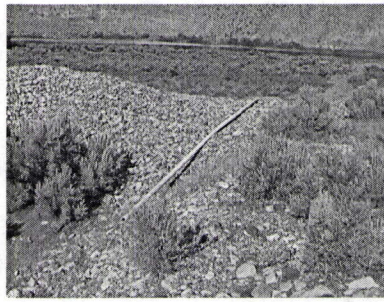
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Enclosure 4. Some digital images of items cited in the decision letter regarding notice UTU66358



sundry materials (sluice, basin, rack , star on enclosures 2 and 3)



pvc pipe on gravel dam



pvc pipe just east of dried settling pond
(asterisks on enclosures 2 and 3 mark pipe locations)

SUNDRY MATERIALS TO BE REMOVED

immediately below: metal pipe near river (pointed to by arrow; see black cross on enclosure 2)



immediately above: highwall, at center, to be fenced (see dark dashed line on enclosure 3)